

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK S. STEPHENSON, Plaintiff,)	
v.)	C.A. No. 04-324 Erie
JO ANNE B. BARNHART, Commissioner of Social Security, Defendant.)	District Judge McLaughlin
)	Magistrate Judge Baxter

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on November 5, 2004, and was referred to United States Magistrate Judge Susan Paradise Baxter for a report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's report and recommendation (Doc. #12), filed on July 5, 2005, recommended that the District Court grant the Defendant's Motion for Summary Judgment (Doc. #10) and deny the Plaintiff's Motion for Summary Judgment (Doc. #8). It was further recommended that the decision of the Commissioner denying Plaintiff's application for supplemental security income (SSI) and Childhood Disability Benefits (CDB) be affirmed. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff's counsel by certified mail, and on Defendants. Objections were filed by Plaintiff on July 18, 2005. After de novo review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 24th Day of August, 2005;

IT IS HEREBY ORDERED that the Defendant's Motion for Summary Judgment (Doc. #10) is GRANTED, and Plaintiff's Motion for Summary Judgment (Doc.#8) is DENIED.

IT IS FURTHER ORDERED that the decision of the Commissioner denying Plaintiff's application for supplemental security income (SSI) is AFFIRMED.

The report and recommendation of Magistrate Judge Baxter, dated July 5, 2005, is adopted as the opinion of the court.

/s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____